

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MARK H. and RIE H., Individually
and as Guardians Ad Litem of
MICHELLE H. and NATALIE H.,
minors,

Plaintiffs,

vs.

PATRICIA HAMAMOTO, in her
official capacity as Superintendent of
the Hawaii Department of Education;
DEPARTMENT OF EDUCATION,
STATE OF HAWAII,

Defendants.

Civil No. CV 00-00282 MLR/LEK
(Other Civil Action)

**DECLARATION OF STANLEY E.
LEVIN**

DECLARATION OF STANLEY E. LEVIN

I, STANLEY E. LEVIN, declare as follows:

1. I am one of the named attorneys in the above captioned case.
2. I have been admitted into practice before this court since 1972. Since about 1980, I have been diagnosed with Parkinson's disease. Until about 1998, I was still able to perform all necessary tasks of a trial lawyer. For the past decade, the condition has caused some deterioration in my ability to speak clearly and intelligibly. The argument required in this case would tax my abilities to be clear in any presentation. I am therefore not available to handle this motion.

3. Michael Livingston is the lead counsel on this case and was planning on attending the hearing on September 11, 2008. I have spoken directly with Mr. Livingston, who is my partner in the law firm Davis Levin Livingston. He is presently in California and has provided me and Mark S. Davis with the following information regarding his medical condition. See the Declaration of Mark S. Davis for the updated information relating to Michael Livingston's current condition.

4. I spoke with Leslie Sai on Friday, August 29, 2008. I told her the substance of Mark Davis' declaration and Michael Livingston's current condition. Yet, in the face of all of this, the court denied our motion to continue without stating any reason for doing so.

I declare under penalty of perjury that the above is true and correct.

Executed on the 3rd day of September 2008.

/S/ STANLEY E. LEVIN

STANLEY E. LEVIN